

canceled the remaining claims must **not** be renumbered.” § 1.126 (emphasis added). Applicants believe that the USPTO should not have renumbered the claims submitted in Pre-Amendment A, as this is contradictory to the language of 37 C.F.R. § 1.126.

To clarify the status of the pending claims as is understood by the Applicants, submitted herewith is a table of claim history for the Examiner’s convenience, showing the status of the claims as originally submitted, as deleted in Preliminary Amendment A, as added in Preliminary Amendment B, and as deleted by the present Amendment C. The Examiner’s reference to “Pre-Amendment C (filed March 26, 2001)” is not understood, since the Applicants had not submitted a Pre-Amendment C on 26 March 2001. As the table indicates, the claims that are currently pending in the present application are claims 75 - 117, inclusive.

Further submitted herewith is a substitute true copy, conforming to current procedures and regulations, of all the claims that are pending in the present application. The Examiner has noted duplicate claims and possible antecedent issues regarding the claims. Applicants request clarification as to these issues after the Examiner has reviewed the substitute true copy of the pending claims.

Applicants hereby respectfully request that the substitute true copy of the pending claims submitted herewith be entered for examination.

Election/Restriction

The Examiner has further required restriction to one of the following inventions under 35 U.S.C. 121:

- I. Claims drawn to bags with tear area features, classified in class 383, subclass 204.
- II. Claims drawn to a pre-packaged cheese product, classified in class 426, subclass 130.

Pursuant to 35 U.S.C. 121 and to the Examiner’s request, the Applicants elect to prosecute this application under Invention II, claims drawn to a “pre-packaged cheese product”, as set forth by the Examiner. Since the Applicants are unsure as to which of the pending claims is considered to be directed to the elected Invention, Applicants request that the Examiner provide the Applicants with a listing of the claims believed by the Examiner to claim Invention II.

Applicants respectfully traverse the restriction requirement as to the characterization of any of the claims as being drawn to a “prepackaged cheese product”, since none of the claims requires the presence of cheese.

The purpose of the present amendment is to respond to a restriction requirement and not to address any questions as to patentability.

Every attempt has been made to comply with the Examiner's request and the rules set forth.

Respectfully Submitted,

By Laura A. Dable
Laura A. Dable, Reg. No. 46,436

RYAN KROMHOLZ & MANION, S.C.
P.O.Box 26618
Milwaukee, Wisconsin 53226
(262) 783 - 1300
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SARGENTO/HMA/16016-CP DIV/021101 AMENDMENT FILED WITH PTO

Enclosures: Substitute True Copy of Claims
 Table of Claim History
 Amendment Transmittal Letter
 Return Postcard